

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of PACIFIC GAS AND ELECTRIC  
COMPANY to Recover Additional Costs Related  
to the 1997 New Year's Flood and 1998 February  
Storms Recorded in the Catastrophic Event  
Memorandum Account (CEMA) Pursuant to  
Ordering Paragraph 1 of Decision 04-09-020.

(U 39 E)

Application 05-09-001  
(Filed September 2, 2005)

**OPINION PURSUANT TO RULE 6.5 OF  
THE RULES OF PRACTICE AND PROCEDURE**

Rule 6.5 Approval of Changes to Preliminary Determinations, concerning  
changes in the need for hearing or preliminary categorization of a proceeding  
provides that:

(b) If the assigned Commissioner, pursuant to Rules 6(a)(3), 6(c)(2),  
or 6(d), changes the preliminary determination on need for hearing,  
the assigned Commissioner's ruling shall be placed on the  
Commission's Consent Agenda for approval of that change.  
(Note: Authority cited: § 1701.1)

Pursuant to Rule 6.1, the Commission has preliminarily determined in  
Resolution ALJ-176-3158 that the above-entitled matter is a ratesetting  
proceeding that was expected to go to hearing. By an assigned Commissioner's  
ruling dated November 3, 2005, the assigned Commissioner, Susan P. Kennedy,  
found the need for hearing determination should be changed.

We have considered our preliminary determinations in this matter and the assigned Commissioner's ruling.

This matter is uncontested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code, the otherwise applicable 30-day period for public review and comment is being waived.

**O R D E R**

**IT IS ORDERED** that:

1. This proceeding does not require that hearings be held.
2. Under Rule 6.6, this order is a final determination that a hearing is not needed in this proceeding. Ex parte communications are governed by the assigned Commissioner's ruling dated November 3, 2005. In all other respects, the rules and procedures in Article 2.5 of the Commission's Rules shall cease to apply to this proceeding.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.